IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUNATION SHEET

CIVIL APPLICATION NO.3287 OF 2005
IN
FIRST APPEAL NO.645 OF 2000

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

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Mr.Neel Pungalia i/b Mr.Mohan Pungaliya for the Applicants

CORAM: A.S.OKA, J.
DATE : DECEMBER 6,2007.

P.C.:

1. Heard Advocate for the Applicants. Office noting shows that notice of the proposed Respondent is returned with the bailiff's remark 'refused to accept the notice'. Therefore, the notice shall be deemed to have been served to the second Respondent.

2. The Applicants are the original plaintiffs-Appellants. A suit filed by the Applicants for specific performance for agreement of sale of immoveable property has been dismissed and only a money decree has been passed in favour of the Applicants. The Appeal has been

admitted for final hearing. The allegation in this Application is that pending the Appeal, the proposed Respondent has acquired the suit property from the Respondent in the Appeal. The allegations made in the Application are not controverted by the second Respondent.

3. In view of this position, rule is made absolute in terms of prayer clause (a). Amendment to be carried out within a period of six weeks from today.

JUDGE